

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

TANA RAE ANNE SHERLOCK,	)	
	)	No. CV-12-05036-CI
Plaintiff,	)	
	)	ORDER GRANTING STIPULATED
v.	)	MOTION TO REMAND PURSUANT
	)	TO SENTENCE SIX OF 42
MICHAEL J. ASTRUE,	)	U.S.C. § 405(g)
Commissioner of Social	)	
Security,	)	
	)	
Defendant.	)	

BEFORE THE COURT is the parties' Stipulated Motion to Remand the above-captioned matter to the Commissioner for additional administrative proceedings, to include a new *de novo* hearing and additional proceedings. (ECF No. 6.) Attorney David Lybbert represents Plaintiff; Special Assistant United States Attorney Daphne Banay represents Defendant. The parties have not consented to proceed before a magistrate judge.

Pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3), the court may remand the case to the Commissioner for good cause shown before he files an answer. *See Melkonyan v. Sullivan*, 501 U.S. 89, 101 n.2 (1991). Here, good cause exists in that Defendant has not filed an answer and the recording of the prior administrative law judge (ALJ) hearing is inaudible and cannot be reviewed by the parties. Sentence six requires the Commissioner to return to the district court to "file with the court any such additional or modified findings of fact and decision, and a transcript of the additional

1 record and testimony upon which his action in modifying or affirming  
2 was based." *Id.* at 98 (*quoting* sentence six). Accordingly,

3 **IT IS ORDERED:**

4 1. The parties' stipulated Motion for Remand (**ECF No. 6**) is  
5 **GRANTED.**

6 2. The case is remanded to the Commissioner for additional  
7 proceedings pursuant to sentence six of 42 U.S.C. § 405(g). The  
8 Commissioner shall conduct a *de novo* hearing and additional  
9 proceedings as necessary, and issue a new decision.

10 3. The court shall maintain jurisdiction of this action.  
11 The District Court Executive is directed to enter this Order  
12 and forward copies to counsel. The file shall remain open.

13 DATED May 25, 2012.

14  
15 S/ CYNTHIA IMBROGNO  
16 UNITED STATES MAGISTRATE JUDGE  
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